

Complaint Exhibit A

SPARACINO
— PLLC —

1920 L Street, NW, Suite 535
Washington, DC 20036

(202) 629-3530
sparacinoplcc.com

October 30, 2018

By Electronic Mail

U.S. Agency for International Development
M/MS/IRD, Suite 207C RRB
1300 Pennsylvania Avenue, NW
Washington, DC 20523-2701
Email: foia@usaid.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

My law firm represents over 350 American veterans and civilians, and their families (including over 50 Gold Star Families), in connection with deaths and injuries caused by terrorists in Iraq. On behalf of our clients, we have filed a lawsuit against pharmaceutical and medical device companies that contracted with the Iraqi Ministry of Health, alleging that the companies funded terrorists who killed or wounded thousands of Americans in Iraq. As part of our investigation of these allegations, and on behalf of our clients who have made great sacrifices in connection with America's involvement with Iraq, we submit this request under the Freedom of Information Act, 5 U.S.C. §§ 552, *et seq.* ("FOIA") for copies of the records described below.

Background

On or about April 17, 2006, The Louis Berger Group, Inc. and The Services Group (TSG) produced a report for the USAID's review entitled, Pharmaceutical and Medical Products in Iraq ("Report"). See corresponding title pages and table of contents, attached hereto as Exhibit A. Preparation of the Report was funded by USAID Contract No. 267-C-00-04-00435-00. Id. at pg. 2. USAID published the Report one year later, on or about April 17, 2007, under the heading Iraq Private Sector Growth and Employment Generation. Id. at pg. 1.

On or about June 7, 2018, pursuant to a prior FOIA request (reference no. F-00056-18), USAID produced sixty-seven (67) pages of the Report. USAID did not produce, and has not produced, the five appendices, labeled "Appendix A" thru "Appendix E," of the Report. Id. at pg. 5 (highlights added). **These appendices are the subject of this FOIA request.**

Records Requested

All five (5) appendices, i.e. "Appendix A" thru "Appendix E," of the Report, i.e. Pharmaceutical and Medical Products in Iraq, in their entirety.

SPARACINO
PLLC

The relevant period for this request is: **January 1, 2005 through December 31, 2007.**

Please search for responsive records regardless of format, medium, or physical characteristics. Where possible, **please produce records electronically in PDF format.** We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs. Our request includes any letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, discussions, and any attachments to such records. If any of this information is currently classified or restricted distribution, we ask that you submit the records for declassification in accordance with Executive Order 13526, and all other relevant regulations, policies and orders governing declassification of documents.

For any responsive records, or portions of records, you deem covered by any applicable FOIA exemption, 5 U.S.C. § 552(b) prescribes the appropriate process: “[a]ny reasonably segregable portion of a record shall be provided...after deletion of the portions which are exempt under this subsection. The amount of information deleted, and the exemption under which the deletion is made, shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted, and the exemption under which the deletion is made, shall be indicated at the place in the record where such deletion is made.”

I am willing to pay fees for this request up to a maximum of **\$200**. If the fees for this request exceed that amount, please inform me first.

Thank you for addressing my request. Please do not hesitate to reach out to me by phone or email with any questions or concerns about this request, and please mail responsive materials to the address in the letterhead above.

Sincerely,



Dustin M. Lee
dustin.lee@sparacinoplcc.com

Enclosure

Exhibit A



USAID | IRAQ
FROM THE AMERICAN PEOPLE

IRAQ PRIVATE SECTOR GROWTH AND EMPLOYMENT GENERATION

April 17, 2007

Pharmaceutical and Medical Products in Iraq

 IZDIHAR
IRAQ PRIVATE SECTOR GROWTH AND EMPLOYMENT GENERATION

This publication was produced for review by the United States Agency for International Development. It was prepared by the joint venture partnership of The Louis Berger Group / The Services Group under Contract # 267-C-00-04-00435-00



April 17, 2006

Pharmaceutical and Medical Products in Iraq

DISCLAIMER

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

The IRAQ IZDIHAR project is funded by the United States Agency for International Development (USAID) and implemented by the joint venture partnership of:

TABLE OF CONTENTS

1.0 EXECUTIVE SUMMARY	1
1.1 Introduction	1
1.2 Background	1
1.3 Pharmaceutical Sector.....	2
1.4 Medical Products Sector	3
1.5 Ministry of Health, Public and Private Procurement.....	3
1.6 Private Sector Investment.....	3
1.7 SWOT	4
1.8 Recommendations.....	6
1.9 Kimadia Improvement and Enhancement Programme	7
2.0 INTRODUCTION	8
3.0 BACKGROUND TO THE IRAQI PHARMACEUTICAL AND MEDICAL PRODUCTS SECTOR	9
3.1 Introduction	9
3.2 Background on Iraq	9
3.3 Healthcare Sector	10
3.3.1 Socioeconomic Indicators.....	10
3.3.2 Mortality and Morbidity	10
3.3.2.1 Morbidity and Mortality Statistics	11
3.3.2.1.1 Basic Health Indicators.....	11
3.3.2.1.2 Infant and Maternal Mortality and Morbidity.....	12
3.3.2.1.3 Disease Incidence	13
4.0 PHARMACEUTICAL SECTOR	16
4.1 Introduction and Definition	16
4.2 Pharmaceutical Market - Characteristics	16
4.3 Sources of Supply.....	17
4.3.1 Introduction.....	17
4.3.2 Domestic Manufacture.....	17
4.3.2.1 Public Sector	17
4.3.2.1.1 Abu Ghurayb Veterinary Production	18
4.3.2.1.2 Amiriya Serum and Vaccine Institute.....	18
4.3.2.1.3 Arab Company for Antibiotics Industry	19
4.3.2.1.4 Baghdad Factory for IV Solutions & Medical Gases Production..	19
4.3.2.1.5 Baghdad South Saline Production.....	19
4.3.2.1.6 Dawrah Foot and Mouth Disease Vaccine Production Facility....	19
4.3.2.1.7 State Company for Drug Industries – Nineveh (Mosul)	20
4.3.2.1.8 State Companies for Drug Industries – Samarra.....	21
4.3.2.2 Private Sector	23
4.3.3 Imports.....	24
4.3.3.1 Sources of Origin	24
4.3.3.2 Longitudinal study.....	26
4.3.4 Estimates of Current Market Size.....	27

4.4	Estimate of Potential Market Size	28
4.4.1	Introduction.....	28
4.4.2	Drug Spending Per Capita.....	28
4.4.3	Additional Sources of Supply.....	32
4.5	Regional Market Comparisons.....	32
4.5.1	Egypt	32
4.5.2	Syria	33
4.5.3	Iran	33
4.5.4	Jordan.....	34
4.5.5	Saudi Arabia	34
4.6	Market Segmentation by Therapeutic Area	34
5.0	MEDICAL PRODUCTS SECTOR	37
5.1	Introduction and Definition	37
5.2	Medical Device Imports into Iraq.....	38
5.2.1	Comparative Market Size	40
5.2.2	Medical Products by Sub-Sector	41
5.2.3	Conclusion.....	42
6.0	MEANS OF PHARMACEUTICALS AND MEDICAL PRODUCTS DELIVERY.....	43
6.1	Introduction.....	43
6.2	The Public Sector	43
6.2.1	The Ministry of Health (MoH).....	43
6.2.2	Directorates and Facilities of Health Ministry	43
6.2.2.1	Minister's Office	43
6.2.2.2	Minister's Deputy of Administrative Affairs	44
6.2.2.3	Ministry's Deputy of Technical Affairs.....	44
6.2.2.4	Office of the National Consultant for Mental Health.....	44
6.2.2.5	Legal Consultant's Office.....	44
6.2.2.6	Ministry's Office	44
6.2.2.7	General Inspector's Office	45
6.2.2.8	Legal, Financial and Administrative Directorate	45
6.2.2.9	Directorate of Medical Operations and Specialized Services	46
6.2.2.10	Directorate of Planning and Resource Development	47
6.2.2.11	Directorate of Technical Affairs	47
6.2.2.12	Directorate of Projects & Engineering Services.....	48
6.2.2.13	Directorate of Public Health and Primary Health Care	48
6.2.2.14	General Company for Marketing Medicines & Medical Appliances	49
6.2.2.15	Directorate of Popular Medical Clinics.....	49
6.2.2.16	Directorate of Medical City	49
6.2.2.17	Health Directorates of Baghdad and the Governorates.....	49
6.3	Procurement in the Public Sector	49
6.3.1.	Introduction.....	49
6.3.2	The Procurement Process.....	50
6.3.2.1	Becoming a Recognised Supplier/Submitting a Tender	52
6.3.2.1.1	Manufacturer.....	52
6.3.2.1.2	Supplier	52
6.3.2.2	Domestic Preference	52
6.3.3	Pharmaceutical Distribution.....	52

6.4	Procurement in the Private Sector	53
6.5	Prescription, Dispensing and Distribution of Medicines	53
6.5.1	The Pharmacy Licence.....	53
6.5.1.1	Current Conditions.....	54
6.6	Pharmaceutical Promotion.....	54
6.7	Medical Products, Appliances and the Like, Procurement and Dispensing	55
6.8	Kimadia Improvement and Enhancement Programme	55
7.0	RISKS AND ISSUES	56
7.1	TRIPS	56
7.2	Tenders and Contracts	57
7.3	Pricing, Price Control, and Price Differential	57
7.4	Other Issues	57
7.4.1	GMP	57
7.4.2	Illicit Supply.....	57
7.4.3	Distribution and Logistics.....	57
7.5	SWOT	58
	Strengths	58
	Weaknesses.....	58
	Opportunities	58
	Threats	58
8.0	CONCLUSIONS AND RECOMMENDATIONS	59
8.1	Conclusions	59
8.2	Recommendations.....	59
8.3	Private Sector Investment.....	60

Appendix A	Chapter 30 Harmonised System Code
Appendix B	Nineveh Company
Appendix C	Al Mansour Company
Appendix D	Comtrade export data to Iraq
Appendix E	Kimadia brief